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TAGS: [1Z](#) [MOPS](#) [PREL](#) [PGOV](#)
SUBJECT: RUBAIE ON STATE OF EMERGENCY, PORTS OF ENTRY, AND
OTHER BSP-RELATED ITEMS

Classified By: Ambassador Zalmay Khalilzad for reasons 1.4 (b) and (d).

11. (S/REL MNFI) SUMMARY: During a January 16 meeting, National Security Advisor Rubaie said that he needed ideas for the political and economic parts of the Baghdad Security Plan, noting that the Japanese Ambassador had expressed an interest in helping with vocational training centers. He said money was needed to help move Internally Displaced Persons back into their homes. He provided an update on the Crisis Cell, stating that Chief of Staff of the Armed Forces Babbikir was now included. He said that no decision had been made about whether the Crisis Cell would meet at the Prime Minister's residence -- Rubaie's preference -- or at Adnan Palace. Rubaie said that he would need to check with PM Maliki as to whether a Ports of Entry closure could begin on January 29 as suggested by MNF-I, noting the conflict with the Ashura pilgrimage. Although he was willing to continue efforts to have the Council of Representatives (CoR) consent to a State of Emergency, Rubaie expressed impatience with the inability to obtain VP Hashimi's signature on the requesting document to the CoR. He strongly argued the merits of having the Prime Minister issue a unilateral directive under his Article 78 commander-in-chief authority, if it did not appear that a State of Emergency could be quickly approved by the CoR. Rubaie expressed his displeasure with an interview by Hashimi on UK Channel 4. END SUMMARY

Economic and Political Parts of the BSP

12. (S/REL MNFI) During a January 16 meeting, National Security Advisor Rubaie told MNF-I Deputy Chief of Staff (SPA) MG Cichowski that he was looking for ideas for the economic and security elements of the revised Baghdad Security Plan. He said that he had spoken to Deputy PM Barham Salih, who will head the Economic Committee, about the issues of budget execution and the transfer of money. Rubaie said that he thought it was important that the GOI make an effort to return Internally Displaced Persons to their homes, but this would require "cash" grants. He also said that the Japanese Ambassador had expressed an interest in assisting with the establishment of vocational training centers and had promised to raise the issue with Tokyo. On the political side, Rubaie said constitutional review, de-Baathification reform, the hydrocarbon law, and the issue of returning military officers to duty or retirement (with a pension) all needed to be addressed.

Crisis Cell Update

13. (S/REL MNFI) Rubaie said that Chief of Staff of the Armed Forces Babbikir was being added to the Crisis Cell which would meet each Sunday morning. Rubaie said that there were still discussions about whether the Cell would meet at Adnan Palace -- where the Baghdad Operational Command would be located -- or at the Prime Minister's Residence. Rubaie said that he hoped it would be held at the PM Residence each week, arguing that if it was the PM would feel ownership in it and would regularly attend.

Ports of Entry Update

14. (S/REL MNFI) Cichowski showed Rubaie a document (e-mailed to NEA-I) he had received from the Ministry of Interior on plans to implement a Ports of Entry (POE) closure in conjunction with the revised Baghdad Security Plan (BSP). Noting that militarily it would take up to 72 hours to prepare for a closure and that that time should also be used to notify and coordinate with provincial governments and Iraq's neighbors, Cichowski asked Rubaie whether the PM would be prepared to begin on January 29, in time for the February 1 official start date of the Baghdad Operational Commander and the beginning of Phase II of the BSP. Rubaie balked, noting that this would conflict with the Ashura pilgrimage. Rubaie said that he would talk to PM Maliki about this issue, adding that it might not be resolved until the Crisis Cell meeting on Sunday, January 21. Cichowski noted that MNF-I Commanding General Casey wanted a decision as soon as possible. When EmbOff pressed Rubaie on whether the GOI had thought through the procedures it would use to notify its neighbors of the closure, Rubaie said that an announcement of the decision would be made at the Ministerial Committee for National Security, following which FM Zebari could begin the notification process.

State of Emergency Controversy

15. (S/REL MNFI) When Cichowski raised the controversy over whether the Ports of Entry closure and other desired steps could be taken without a Council of Representatives-approved State of Emergency, Rubaie indicated a continuing willingness to go ahead with a Prime Minister's Directive that would rely on the PM's Article 78 authorities as commander-in-chief. EmbOffs argued against this course of action, noting concerns that the international community would criticize it as a sweeping and undemocratic assertion of executive power. PolMilOff also argued that it could hurt reconciliation efforts in Iraq, with certain groups feeling that they were not properly consulted. Rubaie said that the GOI was willing to take a State of Emergency to the Council of Representatives, but that doing so would require VP Tariq al-Hashimi to sign the joint request from the PM and Presidency Council. He was traveling and had not yet agreed to sign. He asked that the Ambassador talk to Hashimi about the issue. Rubaie said that time was running out, asking what the GOI should do if Hashimi refused to sign. EmbOffs highlighted the Ambassador's attempts to reach Hashimi on this issue. (Note: Ambassador was able to finally reach Hashimi on January 16 and to convince him to sign the State of Emergency document. End note.)

Hashimi Interview "Really Bad"

16. (S/REL MNFI) Rubaie said that he had seen an interview Hashimi had done with UK television's Channel 4. He said that it was "really bad." He said that he had talked to Hashimi about it. Hashimi had claimed that the interviewer had pushed him into saying things he did not intend to say. While acknowledging that this could have happened, Rubaie made his displeasure clear.
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